

[*SUBMITTING COUNSEL ON SIGNATURE*
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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

IN RE KOREAN RAMEN ANTITRUST
LITIGATION

Case No. 3:13-cv-04115-WHO

**STIPULATION AND ORDER
REGARDING BRIEFING AND HEARING
SCHEDULE ON SANCTIONS MOTIONS**

STIPULATION

The Indirect Purchaser Plaintiffs and the Direct Purchaser Plaintiffs (together, “Plaintiffs”), and Defendants Ottogi America, Inc., Ottogi Company Ltd., Nongshim America, Inc., and Nongshim Co. Ltd. (together, “Defendants”), by and through their counsel of record, stipulate as follows:

WHEREAS, on September 8, 2016 Plaintiffs filed motions for sanctions (Dkt. 416 and Dkt. 420) against the Defendants (collectively the “Motions”);

WHEREAS, the Motions were not filed 35 days before their noticed hearing date;

WHEREAS, Defendants requested some additional time to prepare their Oppositions due to various scheduling issues, including a multi-day Korean national holiday as well as the need to obtain declarations of witnesses in Korea including under Fed. R. Civ. P. 44.1 as to Korean law;

WHEREAS, Plaintiffs thereafter made a request to Defendants pursuant to Fed. R. Civ. Proc. 43 (c), to make any such declarants available for cross-examination by counsel and the Court at the time of the hearing on the Motions so that the Court can properly judge the veracity of the witnesses;

WHEREAS, Defendants have represented that such an examination will be unnecessary and/or inappropriate because, *inter alia*, the declarants have already been deposed and/or would be providing declaration(s) on Korean law under Fed. R. Civ. P. 44.1;

WHEREAS, Plaintiffs wish to accommodate Defendants’ request for additional time to prepare their Oppositions and, in light of Defendants’ various representations, Plaintiffs are presently not sure what Defendants’ factual proffer will be and, thus, are willing to reserve further consideration on the question of whether live testimony is warranted until such time as they have an opportunity to review the Oppositions to the Motions;

WHEREAS, the parties recognize that if a dispute arises about the appropriateness of Plaintiffs calling live witnesses at the hearing on the Motions, if they decide to do so after reviewing the Oppositions, there will be a very short window to resolve it, and to either arrange for travel in the event that live testimony is determined by the Court to be required or to schedule a further hearing date at a time when anyone whose presence the Court so determines is warranted can travel from Korea; and

WHEREAS, the parties have continued to meet and confer since September 8, 2016 about a schedule for briefing and hearing on the Motions;

NOW, THEREFORE, Plaintiffs and Defendants hereby stipulate as follows:

1. Defendants shall file their Oppositions to the Motions on September 28, 2016.
2. Plaintiffs shall file their Replies to Defendants' Oppositions to the Motions on October 5, 2016.
3. The hearing on the Motions shall be held on October 19, 2016 at 2:00 p.m., subject to such rescheduling (if any) as the Court may make following further application (if any) of the Plaintiffs regarding the question of whether or not any witnesses must appear.
4. In the event that the parties have a dispute about the attendance of witnesses at the hearing on the Motions following service of the Oppositions to the Motions, they shall bring it to the Court's attention in a joint letter brief as soon as possible thereafter.

IT IS SO STIPULATED.

DATED: September 15, 2016

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DATED: September 15, 2016

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DATED: September 15, 2016

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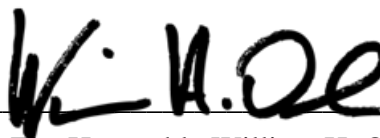
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ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: September 20, 2016



The Honorable William H. Orrick
United States District Judge